

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

On entry of this Reply and Amendment, Claims 14, 27 and 28 will be cancelled without prejudice. Claims 1, 2, 7, 12, 13, 16, 17, 30-33, 36, 38, and 40-43 will be amended. Accordingly, Claim 1-4, 6-13, 15-26, 29-36 and 38-43 will be pending.

Allowable Subject Matter

Independent Claims 2, 13 and 17 (and corresponding dependent Claims) have been amended to recite in proper form subject matter the Examiner indicated would be "allowable" (i.e. patentable under 35 U.S.C. §§ 102/103). By amending, the Applicants wish to make it clear that they do not agree to or acquiesce in the rejection to the Claims. Such Claims have been amended and added (without prejudice to further prosecution on the merits) only to obtain prompt allowance of claims reciting subject matter indicated as allowable by the Examiner.

Claim Rejections – 35 U.S.C. § 112

In Section 4 of the Office Action, the Examiner rejected Claims 1, 17, 30, 40-43 under 35 U.S.C. § 112 paragraph 1. The Examiner stated "the term 'open frame' is considered new matter."

The Applicant does not concede that the term "open frame" constitutes new matter. However, Claims 1, 17, 30, 40-43 have been amended for reasons unrelated to this rejection and no longer recite an "open frame." Accordingly, the rejection of Claims 1, 17, 30, and 40-43 has been overcome. Applicant expressly reserves the right to reintroduce the term "open frame" and that such term does not constitute new matter.

In Section 6 of the Office Action, the Examiner rejected Claims 1, 2, 7, 17, and 30 under 35 U.S.C. § 112 paragraph 1. The Examiner stated "the phrase 'such as' renders

the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.” Claims 1, 2, 7, 17, and 30 have been amended accordingly.

Claim Rejections – 35 U.S.C. § 102

In Section 7 of the Office Action, the Examiner rejected Claims 1, 6, 7, 12, 13, 17-23, 25, 26, 28-36, 38, 39 under 35 U.S.C. § 102(b) as being anticipated by Holtz for the reasons of record.

Holtz does not identically disclose the combination of elements recited in independent Claims 1, 7, 13, 17, 30, 38 (and corresponding dependent Claims).

Claim 1 as amended, recites a combination including, among other elements, a “magnetic receptive material comprising graphite applied to the rear surface of the sheet”, which is not identically disclosed in Holtz. Accordingly, Claim 1 (and corresponding dependent Claim) are not anticipated by Holtz under 35 U.S.C. § 102(b) and are patentable.

Claim 7 as amended, recites a combination including, among other elements, “at least one adhesive strip having a first surface affixed to the rear surface of the graphics sheet with adhesive, and a second opposite surface”, and “a magnetic receptive material applied to the second opposite surface of the adhesive strip”, which is not identically disclosed in Holtz. Accordingly, Claim 7 (and corresponding dependent Claim) are not anticipated by Holtz under 35 U.S.C. § 102(b) and are patentable.

Claim 13 has been amended to recite subject matter the Examiner indicated would be “allowable.” Accordingly, the rejection of Claim 13 under 35 U.S.C. § 102(b) has been overcome.

Claim 17 has been amended to recite subject matter the Examiner indicated would be “allowable.” Accordingly, the rejection of Claim 17 (and corresponding dependent Claims) under 35 U.S.C. § 102(b) has been overcome.

Claim 30 as amended, recites a combination including, among other elements, "at least one adhesive strip having a first surface affixed to the rear surface of the graphics sheet with adhesive, and a second opposite surface" and "a magnetic receptive material applied to the second opposite surface of the adhesive strip", which is not identically disclosed in Holtz. Accordingly, Claim 30 (and corresponding dependent Claims) are not anticipated by Holtz under 35 U.S.C. § 102(b) and are patentable.

Claim 38 as amended, recites a combination including, among other elements, "screening a magnetic receptive material comprising graphite within a carrier onto a second surface of the graphics sheet opposite the first surface", which is not identically disclosed in Holtz. Accordingly, Claim 38 (and corresponding dependent Claims) are not anticipated by Holtz under 35 U.S.C. § 102(b) and are patentable.

Claim Rejections – 35 U.S.C. § 103

In Section 8 of the Office Action, the Examiner rejected Claims 3, 4, 7-12, 15, 16, 24 and 27 under 35 U.S.C. § 103(a) for the reasons of record.

The subject matter recited in dependent Claims 3 and 4 would not have been obvious over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz under 35 U.S.C. § 103(a). The combination of Holtz in view of O'Carroll or Merman, Sano et al. and Deetz would not result in the subject matter recited in independent Claim 1, or corresponding dependent Claims 3 and 4. Neither Holtz, O'Carroll, Merman, Sano et al. or Deetz alone or in any proper combination, disclose, teach or suggest the "magnetic receptive material comprising graphite applied to the rear surface of the sheet" as recited in Claims 3 and 4. Therefore, Claims 3 and 4 are patentable over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz.

The subject matter recited in Claims 7-12 would not have been obvious over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz under 35 U.S.C. § 103(a). The combination of Holtz in view of O'Carroll or Merman, Sano et al. and Deetz would not result in the subject matter recited in independent Claim 7, or corresponding dependent

Claims 8-12. Neither Holtz, O'Carroll, Merman, Sano et al. or Deetz alone or in any proper combination, disclose, teach or suggest "at least one adhesive strip having a first surface affixed to the rear surface of the graphics sheet with adhesive, and a second opposite surface", and "a magnetic receptive material applied to the second opposite surface of the adhesive strip", as recited in Claims 7-12. Therefore, Claims 7-12 are patentable over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz.

The subject matter recited in dependent Claims 15 and 16 would not have been obvious over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz under 35 U.S.C. § 103(a). The combination of Holtz in view of O'Carroll or Merman, Sano et al. and Deetz would not result in the subject matter recited in independent Claim 13, or corresponding dependent Claims 15 and 16. Neither Holtz, O'Carroll, Merman, Sano et al. or Deetz alone or in any proper combination, disclose, teach or suggest "silk screening a magnetic receptive material comprising an ink having a graphite powder in a clear carrier material" as recited in Claims 15 and 16. Therefore, Claims 15 and 16 are patentable over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz.

The subject matter recited in dependent Claim 24 would not have been obvious over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz under 35 U.S.C. § 103(a). The combination of Holtz in view of O'Carroll or Merman, Sano et al. and Deetz would not result in the subject matter recited in independent Claim 17, or corresponding dependent Claim 24. Neither Holtz, O'Carroll, Merman, Sano et al. or Deetz alone or in any proper combination, disclose, teach or suggest "the magnetic material comprising a graphite powder mixed in a fluid carrier material" as recited in Claim 24. Therefore, Claim 24 is patentable over Holtz in view of O'Carroll or Merman, Sano et al. and Deetz.

The limitations of dependent Claim 27 (and dependent Claim 28) have been included in independent Claim 17. Accordingly, rejection of Claim 27 has been overcome.

* * *

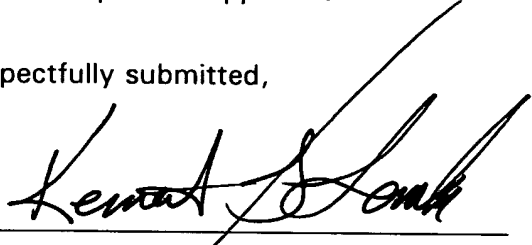
Applicant believes that the present application is now in condition for allowance.
Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date May 12, 2003

By



FOLEY & LARDNER
Suite 3800
777 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-5306
Telephone: (414) 297-5691
Facsimile: (414) 297-4900

Kenneth G. Lemke
Attorney for Applicant
Registration No. 47,746

MARKED UP VERSION SHOWING CHANGES MADE

Below are the marked up amended claim(s):

1. (Twice Amended) An apparatus for the display of information [such as a graphic or image] comprising:

a graphics sheet having a front surface [with] configured to receive an image and a rear surface;

a magnetic receptive material comprising graphite applied to the rear surface of the sheet; and

a base [comprising an open frame, the base] comprising a magnetic mounting surface;

[to which] wherein the graphics sheet is releasably attached to the base through the magnetic attraction between the magnetic receptive material and the magnetic mounting surface.

2. (Twice Amended) An apparatus for the display of information [such as a graphic or image] comprising:

a graphics sheet having a front surface and a rear surface;

a magnetic receptive material applied to the rear surface of the graphics sheet, wherein the magnetic receptive material includes a graphite powder mixed in a clear carrier material; and

a base comprising a magnetic mounting surface to which the graphics sheet is releasably attached through the magnetic attraction between the magnetic receptive material and the magnetic mounting surface.

7. (Twice Amended) An apparatus for the display of information [such as a graphic or image] comprising:

a graphics sheet having a front surface and a rear surface, the front surface [including] configured to receive a graphic image;

at least one adhesive strip having a first surface affixed to the rear surface of the graphics sheet with adhesive, and a second opposite surface;

a magnetic receptive material applied to the second opposite surface of the adhesive strip; and

a base including a magnetic mounting surface to which the graphics sheet is releasably attached through the magnetic attraction between the magnetic receptive material and the magnetic mounting surface.

12. (Twice Amended) The apparatus of Claim 7, wherein [the base is constructed of a plastic material] the magnetic receptive material is applied as a slurry.

13. (Once Amended) A method for [constructing] configuring a graphics display on a base including a magnetic mounting surface, the method comprising:

[creating] providing a graphical image on a first surface of a graphics sheet;

silk screening a magnetic receptive material comprising an ink having a graphite powder in a clear carrier material onto a second surface of the graphics sheet opposite the first surface;

providing a base including a magnetic mounting surface; and

releasably attaching the graphics sheet to the magnetic mounting surface through the magnetic attraction between the magnetic receptive material and the magnetic mounting surface.

16. (Once Amended) The method of claim 13, wherein the magnetic receptive material is applied as a slurry of graphite powder mixed in the clear carrier material [the act of providing a base includes applying strips of barium ferrite to a plastic base member].

17. (Twice Amended) An apparatus for the display of information [such as a graphic or image] comprising:

a base [comprising an open frame];

a sheet having a first surface having a first surface treatment and a second surface, wherein the first surface treatment comprises a magnetic material, the magnetic material comprising a graphite powder mixed in a fluid carrier material, the magnetic material applied by a screening process.

30. (Twice Amended) An apparatus for the display of information [such as a graphic or image] comprising:

a base [comprising an open frame]; and

a panel [configured for magnetic coupling to the base, wherein the panel has] having a first surface and a second surface, the first surface [having a first surface treatment, wherein the first surface treatment is a magnetic material] configured to receive an image;

at least one adhesive strip having a first surface affixed to the rear surface of the graphics sheet with adhesive, and a second opposite surface;

a magnetic receptive material applied to the second opposite surface of the adhesive strip.

31. (Once Amended) The apparatus of Claim 30, wherein the magnetic receptive material is applied within a fluid.

32. (Once Amended) The apparatus of Claim 30, wherein the magnetic receptive material comprises particles.

33. (Once Amended) The apparatus of Claim 30, wherein the magnetic receptive material is applied by a screening process.

36. (Once Amended) The apparatus of Claim 30, wherein the second surface [comprises the] is configured to receive a graphic or image.

38. (Twice Amended) A method of preparing a display panel having a first side and a second side, the second side being configured to receive a graphic, the method comprising:

providing a graphical image on a first surface of the display panel;

screening a magnetic receptive material comprising graphite within a carrier onto a second surface of the graphics sheet opposite the first surface;

providing a base including a magnetic mounting surface; and

releasably attaching the graphics sheet to the magnetic mounting surface through the magnetic attraction between the magnetic receptive material and the magnetic mounting surface

[applying a magnetic material to the first side of the panel with a screening process].

40. (Once Amended) The apparatus of Claim 1, wherein the [open frame] base comprises a plurality of cut-outs.

41. (Once Amended) The apparatus of Claim 1, wherein the [open frame] base comprises a grid of slats.

42. (Once Amended) The apparatus of Claim 1, wherein the [open frame] base comprises a plurality of reliefs.

43. (Once Amended) The apparatus of Claim 1, wherein the [open frame] base comprises a plurality of slits.